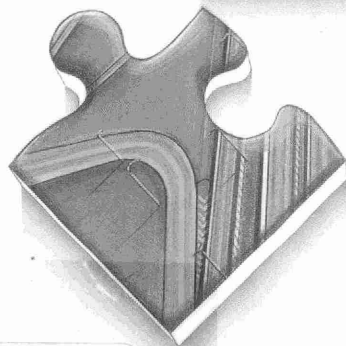


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A PROPONENT'S GUIDE TO ENVIRONMENTAL ASSESSMENT

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MINISTRY OF THE ENVIRONMENT

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WHAT THIS GUIDE OFFERS

This guide offers an introduction to environmental assessment in Ontario. It provides an explanation of the planning and approval process that proponents follow to meet the requirements of the **Environmental Assessment Act**.

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APPLICATION OF ENVIRONMENTAL ASSESSMENT

PROVINCIAL PROJECTS

The **Environmental Assessment Act** applies to **all** projects of Ontario Government Ministries and agencies.

MUNICIPAL PROJECTS

The **Act** applies to **all** municipal projects including public utility commission and conservation authority projects.

PRIVATE SECTOR PROJECTS

These projects are **not** routinely subject to the **Environmental Assessment Act**. However, private sector projects can be made subject to the **Act** if the potential impacts of the proposed undertaking warrant an environmental assessment. Private developers may also choose to conduct an environmental assessment for specific proposals.

FEDERAL GOVERNMENT AND AGENCY PROJECTS

These projects are **not** subject to the provincial **Environmental Assessment Act**. The federal government may apply its Environmental Assessment and Review Process (EARP) to federal programs and projects, or to private sector projects in areas of federal jurisdiction.



Municipal waste management is subject to environmental assessment.

WHAT ENVIRONMENTAL ASSESSMENT IS

The **Environmental Assessment Act** provides for the protection, conservation, and wise management of the environment in Ontario. The **Act** is intended to promote good environmental planning. The **Act** defines 'environment' as the natural ecosystem plus social, cultural and economic conditions. All these aspects of the environment are to be considered in the preparation of an environmental assessment.

The aims of the planning process are:

- To consider positive and negative environmental effects of proposed projects.
- To provide sufficient information and justification to decide amongst alternatives to a project, including the decision to proceed with the project.
- To allow the Minister of the Environment, or the Environmental Assessment Board, to decide whether or not a project or one of its alternatives should be approved.



The Environmental Assessment Act provides for the wise management of Ontario's environment.

INDIVIDUAL ENVIRONMENTAL ASSESSMENTS

PRE-SUBMISSION CONSULTATION

Proponents are expected to consult the public and government agencies before submitting an environmental assessment. This is not a requirement of the **Environmental Assessment Act** but is a policy of the Ministry of the Environment. Early consultation with affected public and government agencies provides crucial information and allows timely identification of issues to be addressed. The proponent is then in a position to resolve issues before a formal assessment document is submitted to the Minister.

The Environmental Assessment Branch can help proponents draft terms of reference for the assessment process. An environmental planner in the Branch will advise on what an environmental assessment must contain to meet the requirements of the **Act**.

The planner will also help identify Government ministries, agencies, and various public groups who may be interested in the proponent's environmental assessment. The agencies and members of the public may have information and expertise which can be of help in preparing an environmental assessment document and obtaining approval. Their concerns should be identified and addressed before the proponent makes irreversible decisions.

If the proponent addresses these concerns there should be few surprises in the approvals process. It is during the formal review that the value of pre-submission consultation efforts become evident.



Consultation is crucial in preparing the environmental assessment document.

Note: For projects that are subject to the **Act** there are three possible ways to ensure that the requirements of the **Act** are met:

1. Individual Assessment
2. Class Assessment
3. Exemption

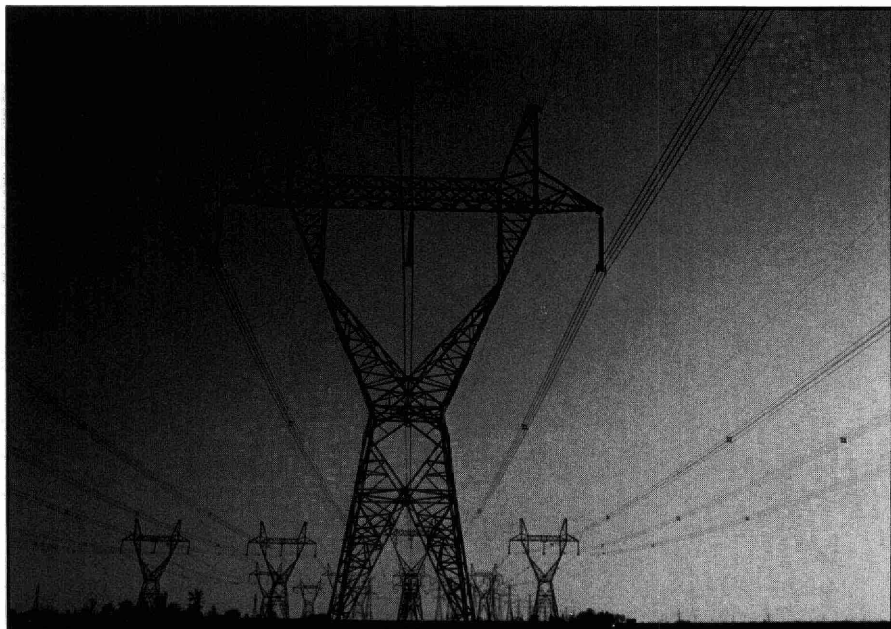
Each of these are discussed in the following pages.

Individuals, groups or agencies can confirm the application of the **Act** to a project by contacting the Environmental Assessment Branch.

Inquiries can be made to:

Environmental Assessment Branch
Ministry of the Environment
135 St. Clair Ave. West
Toronto, Ontario
M4V 1P5

(416) 323-4629 (general inquiries)



Environmental assessment applies to the planning of Ontario Hydro's transmission corridors.

PREPARING THE ENVIRONMENTAL ASSESSMENT DOCUMENT

The environmental assessment document describes the proponent's planning process and key decisions. The contents of the environmental assessment are defined by the **Environmental Assessment Act**.

The assessment document must:

1. Describe the project.
2. State and describe the reasons behind the project, alternatives to the project, and alternate means of carrying it out.
3. Describe how the project, its alternatives, and alternate means of carrying it out, will affect the environment directly and indirectly.
4. Describe the effects and the actions necessary to prevent, change, lessen, or remedy those effects.
5. Evaluate the advantages and disadvantages to the environment of the project, its alternatives, and the alternate means of carrying it out.

A proponent should consult on a continual basis with affected parties as information is gathered. What a proponent learns in preparing the assessment can improve the final project. A proponent should take full advantage of the network of contacts established during the pre-submission consultation phase.

The environmental assessment document should be readily understood by the reviewers as well as the public. When the planning process and the assessment document is complete, the proponent should submit the document to the Minister.

The benefits of pre-submission consultation include:

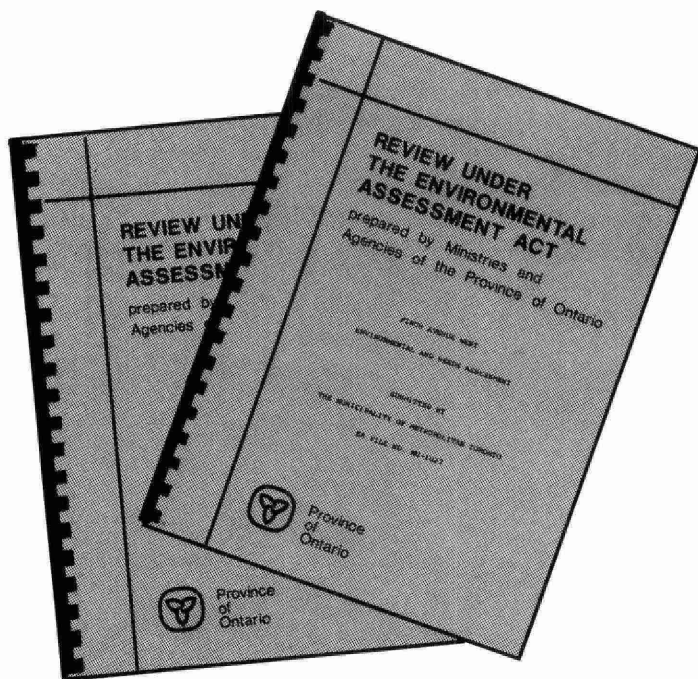
- Interested parties provide information and expertise.
- Issues are defined and focussed.
- Assistance in deciding on evaluation methods and techniques is provided.
- A range of alternatives is identified and analysed.
- Information to be included in the environmental assessment document is provided.
- Problems are identified before planning is too far advanced and changes become difficult.
- Time and money are saved.
- Ultimately, more informed decisions are made, based on a full exchange of government and community ideas.

NOTE: Guidelines on pre-submission consultation are available from the Environmental Assessment Branch.

Acceptance of the environment assessment document means that all requirements of the **Act** have been addressed in enough detail to allow a decision to be made on the approval of the project. The adequacy of the environmental assessment document is based on the review and any submissions made to the Minister during the review period.

NOTE: A proponent can withdraw or amend an environmental assessment document any time before the "Notice of Completion" of the review is published. After that time a proponent may withdraw or amend the assessment document, subject to any terms and conditions that the Minister may impose.

No approvals, licences, grants, loans, or permits required for the project under other legislation or regulations can be given until the environmental assessment document is accepted and the project is approved.



The review of an environmental assessment document is based on comments from provincial ministries and agencies.

REVIEW OF THE ENVIRONMENTAL ASSESSMENT DOCUMENT

Following submission of the environmental assessment document, the Minister:

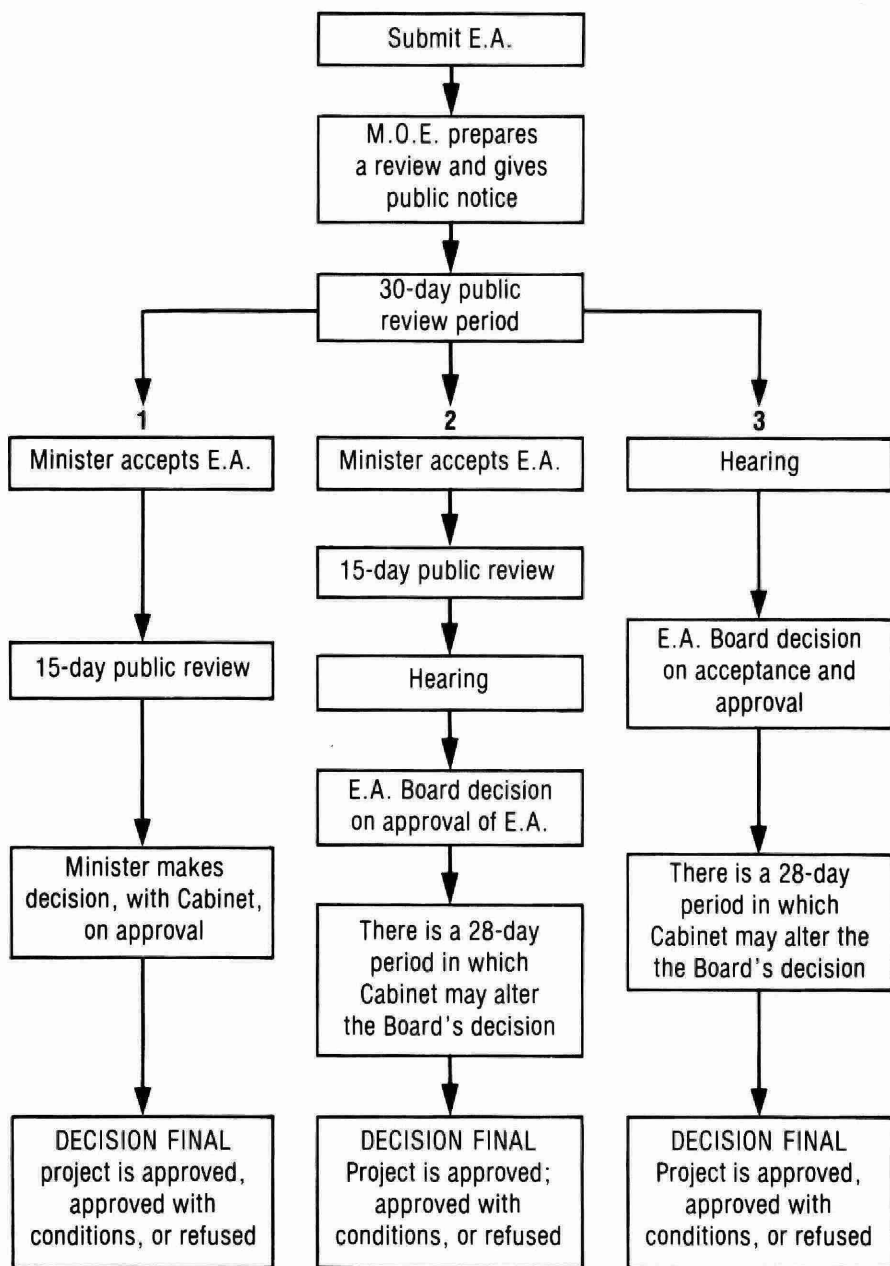
- has government agencies review the environmental assessment document;
- has a review prepared;
- solicits public comment;
- decides on the acceptability of the environmental assessment document;
- decides on the approval of the proposed project, with the agreement of Cabinet.

The review assists the Minister in making a decision on the acceptability of the environmental assessment document and approval of the project. This review is based on comments from the provincial ministries and agencies and is coordinated by the Environmental Assessment Branch.

Once the review is completed, it is published and the Minister issues a "Notice of Completion" to the proponent, any affected municipality, and the public. The Notice states that the environmental assessment document and the review are now open for public inspection. It will also indicate where the document and review can be inspected. The public is given a period of 30 days to make submissions to the Minister, unless a longer period is specified in the "Notice of Completion".

Anyone may make a submission to the Minister and request a hearing by the Environmental Assessment Board. If a hearing is requested, reasons for the request should be given in writing.

THREE ROUTES TO DECISION



NOTE: E.A. refers to Environmental Assessment
M.O.E. refers to Ministry of the Environment

Depending on whether or not a hearing is requested, the decisions required under the **Act** may follow one of three routes:

1. The Minister decides no hearing is required and makes a decision on the environmental assessment document. The Minister may accept it, amend it, or return it for modification. If the changes are unacceptable to the proponent, or another party who made a submission, then either has the right to require a hearing on acceptance of the environmental assessment document (see route 3). Once the Minister accepts the environmental assessment document, a "Notice of Acceptance" is issued.

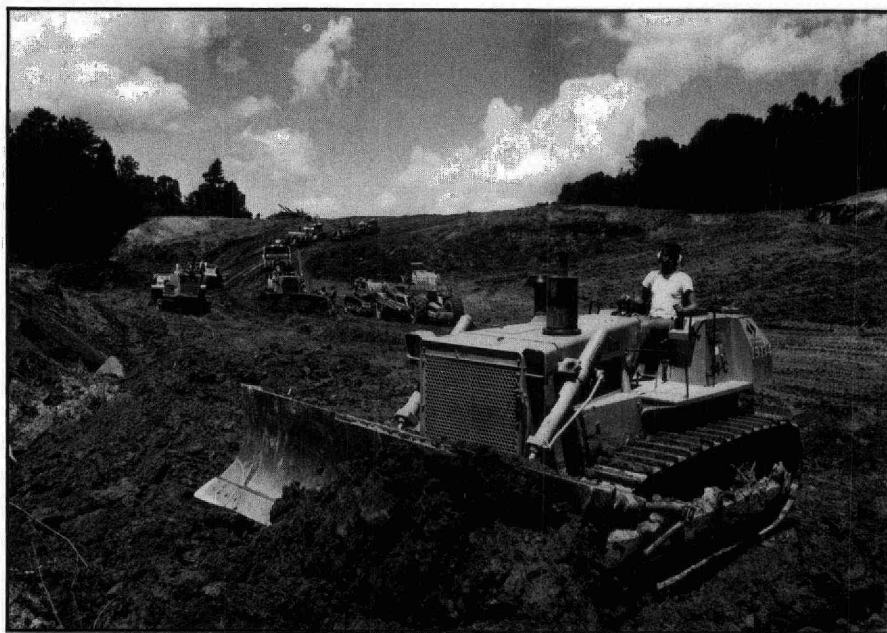
Issuance of the "Notice of Acceptance" is followed by a 15 day public review period during which previous submitters may request a hearing on the proposed project. If no hearing requests are received, the Minister, together with Cabinet, then decides on approval of the project along with appropriate conditions. In making this decision, the Minister must consider the purpose of the **Act**, the environmental assessment document, the government review, submissions from the public or interested parties, and any new information submitted during the public review period. Once approved, the Minister issues a "Notice of Approval" (See route 1).

2. The Minister decides as above on acceptability of the environmental assessment document, but refers the decision on approval of the project to the Environmental Assessment Board for a hearing (See route 2).
3. The Minister may refer the matter to the Environmental Assessment Board for a hearing and decisions on both acceptance of the environmental assessment document and approval of the project (see route 3).

Parties have 28 days to appeal the Board's decision to Cabinet. Cabinet has the right to alter a decision by the Environmental Assessment Board or order a new hearing.

Once approval is given, the proponent may proceed, subject to any conditions of approval. These could include:

- reporting to the public, the Ministry of the Environment, or other Ministries, at certain stages of construction and operation.
- mitigation measures and monitoring of effects.



Construction may start after approval has been given under the Act.

HEARINGS

ENVIRONMENTAL ASSESSMENT BOARD

The Environmental Assessment Board is a decision-making body appointed by Cabinet. It has the power to decide on the acceptability of environmental assessment documents and the approval of projects.

The Minister of the Environment can require a hearing on the acceptance of the environmental assessment document, or the approval of a project, or both. Proponents and members of the public may also request a hearing by the Board on these matters.

Board decisions are final, unless appealed to Cabinet within 28 days.

CONSOLIDATED HEARINGS ACT

Some projects may require approval under more than one piece of legislation. To avoid the time and expense of multiple hearings proponents can apply for a joint board hearing, also called a consolidated hearing, under the **Consolidated Hearings Act**.

A proponent seeking a consolidated hearing must formally request one in writing, from the:

Hearings Registrar
Environmental Assessment Board
1 St. Clair West
5th Floor
Toronto, Ontario
M4V 1K6
(416) 323-4814

The application must describe the project as well as the hearings that might be required, and the pertinent regulations and Acts.

For further information consult the **Consolidated Hearings Act** and the Ministry of the Environment's **General Guidelines for the Preparation of Environmental Assessments**.



Anyone can request a hearing before the Environmental Assessment Board.

CLASS ENVIRONMENTAL ASSESSMENTS

There are many provincial and municipal projects which occur frequently and have a predictable range of relatively minor effects on the environment. The class environmental assessment process was developed to achieve a reasonable application of the **Act** to these types of projects. Class environmental assessments are submitted, reviewed, accepted and approved in a manner similar to individual environmental assessments.

Once a class environmental assessment has been approved, the proponent plans, constructs, and operates projects according to procedures set out in the class assessment document. Provisions exist for requiring individual environmental assessments of projects if significant effects are anticipated.

Class assessments can require:

- the documentation of the proponent's planning process.
- public notice.
- monitoring and mitigation of harmful effects.
- designation of specific projects in the class for individual assessment.
- an expiry date on the approval of the class assessment.

Approval of a class environmental assessment means approval to proceed with the projects which fall into that class, subject to the procedures set out in the class environmental assessment document.

The Environmental Assessment Branch can be contacted for more information on class projects.

EXEMPTIONS

Valid reasons for exempting projects from the environmental assessment process may exist. A proponent considering applying to the Minister for an exemption should first go to the public and government agencies for their advice. Their views should be considered before submitting an exemption request to the Minister.

GROUND FOR EXEMPTION

Minimal Environmental Impact Anticipated: Projects without significant environmental effects may be exempted.

An Emergency: Exemption is appropriate where emergency action is required to prevent damage, injury or interference to people or property.

Public Interest: Where an identified public interest would be served, an exemption may be granted.

APPLYING FOR EXEMPTION

As soon as an exemption is being considered, contact the Environmental Assessment Branch for advice and consult the **Guidelines on Project Screening and on Making Application for an Exemption**.

WHO GRANTS EXEMPTION

With Cabinet approval, the Minister of the Environment can grant an exemption for projects.

DESIGNATIONS

Projects to which the **Act** does not apply can be designated under the **Act** by Cabinet if significant environmental effects are anticipated. A written request for designation, with reasons, should be submitted to the Minister of the Environment. The proponent should also be informed of the designation request.

ENVIRONMENTAL ASSESSMENT ADVISORY COMMITTEE

The Environmental Assessment Advisory Committee is made up of members of the public. They are appointed by the Minister to give advice on designating or exempting specific projects from the **Act**. The Committee may consult with the affected public, and interest groups, depending on the nature of the advice sought by the Minister. Once a decision has been made on the exemption or designation, any reports that the Committee submits to the Minister are made available to the public.



The Environmental Assessment Advisory Committee may hold meetings to determine public concerns about a proposed project.

PUBLIC RECORD

An environmental assessment becomes a public document when submitted to the Minister of the Environment. When the "Notice of Completion" is issued the government review is also open to public inspection.

Written submissions, any decisions of the hearing Board or the Minister, and any relevant notice or order by the Minister are also on the Public Record, as is any notice by the proponent concerning withdrawal or amendment of the environmental assessment document.

Other documents produced during the course of a review or hearing are also on the Public Record.

The Environmental Assessment Branch maintains the Public Record. Reference copies of the assessment document and the review will be available at Ministry offices until the project is completed. Copies of key documents will also be accessible at local municipal offices and other public buildings.



The Environmental Assessment Branch maintains the Public Record.

RESOURCES

Environmental Assessment Act, 1980.*

Consolidated Hearings Act, 1981.*

*Available from:

Ontario Government Bookstore
880 Bay Street
Toronto, Ontario
M7A 1N8
In Toronto: 965-6015
Other Communities: 1-800-268-7540
Area code: 807 Zenith: 67200

Guidelines for Pre-Submission Consultation associated with the Environmental Assessment Act.

Guidelines on Making Application for an Exemption under the Environmental Assessment Act.

General Guidelines for the Preparation of Environmental Assessments.

Guidelines on the Role of the Review, the Review Coordinator and the Reviewers in the EA Process.

EA Update (A bi-annual publication of the Environmental Assessment Branch).

A Citizen's Guide to Environmental Assessment.

Environmental Assessment Advisory Committee Annual Reports.

FOR INFORMATION CONTACT:

Environmental Assessment Branch
Ministry of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5
(416) 323-4629

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**Ministry
of the
Environment**

**Hon. Jim Bradley
Minister**